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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CERTAIN UNDERWRITERS AT
LLOYDS, LONDON,

Plaintiff(s),

v.

PALM CANYON DEVELOPMENT,
INC., et al.,

Defendant(s).

2:13-CV-423 JCM (PAL)

ORDER

Presently before the court is the matter of *Certain Underwriters at Lloyds, London v. Palm Canyon Development, Inc., et al.*, case no. 2:13-cv-423-JCM-PAL.

Defendant D&J Family Trust has filed a motion to dismiss (doc. # 40) that is currently pending. Before the court had an opportunity to review and issue a ruling on that motion, plaintiff filed an unopposed motion to amend the complaint. (Doc. # 53). The court has granted that motion (doc. # 54) and plaintiff has filed the amended complaint (doc. # 55).

An amended complaint supersedes the original pleading, making it "non-existent." *Valadez-Lopez v. Chertoff*, 656 F.3d 851,857 (9th Cir. 2011). If a litigant files an amended pleading, then motions to dismiss the original complaint are mooted without prejudice. *Johnson v. Cheryl*, 2013 WL 3943606, at *2 (D. Nev. 2013). Defendant D&J Family Trust's motion to dismiss is therefore denied without prejudice. Defendant may review the amended complaint, make changes

1 to its motion as it sees fit, and re-file if it so desires.

2 Accordingly,

3 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that defendant's motion to
4 dismiss (doc. # 40) be, and the same hereby is, DENIED without prejudice.

5 DATED February 28, 2014.

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8 UNITED STATES DISTRICT JUDGE